File No. Medical Practitioners

Legal Dept. II/50 (R)

B **BRANCH**

Subject:— Rules under the Bombay Medical Practitioners Act 1938

P.S. 15

File No. Medical Practitioners II/50 (R)

Gen. 194 e.

242-B

Legal Department.

ubject to the following remarks, the draft regulations as amended are in order.

Draft regulation 1 at page 149/Ga Under section 8. of the Bombay Secondary School Certificate Examination Act, 1948, the existing regulations made by Government continue in force till new regulations are made by the Board and sanctioned by Government. It is not necessary to supersede specifically the existing regulations of 1948 but it would be desirable to state the exact date from which the new regulations would come into force. ub-regulation (2) has been inserted for the purpose.

Draft regulation 3(b)(viii).- Since the Chairman has no power to appoint a superintendent in the office it would not be legally feasible to empower him to dismiss him even for serious misconduct or gross inefficiency (cf. section 19 of the Act and article 311(1) of the constitution). Similarly no power can be given to the Secretary and Chairman to make appointments and pass dismissal or removal orders in the case of the clerks and Class IV servants. Regulations 3(b)(vi) and (viii) and 4(b)(iii) and (v) are omitted. Separate regulations may be made empowering the Chairman and the Secretary to inflict any other punishments.

Draft regulation 4(a)(vii).- Under section 33 (2) the annual financial estimates are subject to the final sanction of Government. The regulation has been amended to indicate this requirement.

Draft Regulation 4(a)(x).- In view of the provisions of section 18(3) of the Act it is necessary to prescribe in the regulations themselves the duties to be performed by the Secretary. They cannot be left to be assigned by the Board/the Chairman. The draft regulation has therefore been

amended so as to delete the provision regarding x assigning of duties to the Secretary by the Board or the Chairman.

Draft regulation 6(8)(i).- Under Section 33(1) the annual accounts are to be submitted to Government for audit. It is presumed that the Board will have no separate auditors. Reference to the Board's auditors has therefore been omitted.

Draft regulation 14(4).- It may be revised as under.-

"(4) The panels shall be prepared in November every year. In preparing such panels, there shall be indicated against the name of each paper setter, examiner and moderator, his mother tongue."

Draft regulation 24.- The Department may consider whether the candidates may not also be given the option to answer question papers in the subjects marked with asterick in Hindi in Devanagari script.

Draft regulation 26(3).- It has been revised.

Draft regulation 27,Note 1.- It has been amended suitably.

Draft regulation 28.- The Department may verify whether the note as amended carries out its intention.

Draft regulation 33(4).-Sub-regulation (4) at page 189-C should not be revised as proposed at page 43 ante prescribing the qualifications and scales of remuneration of conductors and supervisors would not be appropriate subject-matter for by-laws under section 31(e). Such matters may be included in the regulation or it may be ~~included in the regulations or it may be~~ left to the Board to frame separate orders for the purpose.

Draft regulation 34.- Same remarks as on rejected regulation 28.

Draft regulation 35.- The note below the rule has been deleted as it is no longer required.

Appendix A. Note (8).- Some remarks as on regulation 24.

s/- 1/15

Additional Secretary to Government.

F.V.to V.L. No.6634, dated the 18th May 1950.

F.V.D.
31/8
40.

Legal Department.

A revised draft notification is sent herewith.

Sd/-

Additional Secretary to Government.

U.O.No. 10632, dated the 27th July 1950.

21/6

NOTIFICATION.

Education Department,
Bombay Castle (Bombay No.1), July 195

Bombay Secondary School Certificate Examination Act, 1948.

No.7955.- In exercise of the powers conferred by paragraph (B) of sub-section (2) of section 5 of the Bombay Secondary School Certificate Examination Board, 1948 (Bom.XLIX of 1948), the Government of Bombay is pleased to make the following rule, namely:-

The number of members to be elected by each of the following Academic Councils or other authorities of the Universities established by law in the State of Bombay from amongst the members of such Councils or authorities, shall be as shown below against each one of them.-

	Name of the Academic Council or other authority.	Number of Members.
	1.	2.
1.	The Academic Council of the University of Bombay.-	3.
2.	The Academic Council the University of Poona.	3.
3.	The Academic Council of the Karnatak University.	2.
4.	The Academic Council of the Gujarat University.	2.
5.	The Syndicate of the Maharaja Sayajirao University of Baroda.	2.
6.	The Syndicate of the Shrimati Nathibai Damodar Thackersey Women's University.	2.

By order of the Governor of Bombay.

Secretary to Government.

M.V.D.
21/6
40.

Legal Department.

The amendments now proposed by the Education Department are in order subject to the following observations:-

1. Regulation 4(b)(ii) has been very slightly amended.

2. Regulation 35.- Under paragraph 13 of L.D's U.O. No.6634, dated the 16th May 1950, the note below regulation 35 had been deleted as it was no longer required. The Education Department in its note at page 50 has taken orders to retain the same as the Regulations are to be brought into force from 1st February 1950 and as it affects the Examination of 1950. From Government Publication, Education Department, No.7915, dated the 4th February 1950 at page 127 (correspondence section) it appears that even now the Note in question is in force and was effective for the Examination held in last March. It would not be necessary to retain the note in question which is of a transitory nature and has served its purpose. The new Regulations cannot be made with retrospective effect as assumed by the Education Department.

The new amendments proposed by the Board and approved by the Finance Department.

3. Regulation 15(4) and 16(4).- Regulation 16(1) requires that moderators shall be appointed by the Board from the panels of names of examiners submitted by the Examiners' Committee. In order that this provision should apply also to Assistant Moderators now proposed under draft regulations 15(4) and 16(4), an obligation has been cast upon the Chairman to appoint Assistant Moderators from among the panels of examiners.

4. Regulation 17(a)(iii) has been slightly amended by substituting the word "or" for "and".

5. Regulation 17(d)(2) has been brought in line ith regulation 16(4).

6. Regulation 17(e)(2) has been slightly amended make the meaning clear.

7. Regulation 37(2).- The N.B. proposed to be ided has been amended further and inserted as Explanation.

8. Regulation 46 as slightly amended is in der.

9. The transitory regulation proposed by the ard at page 57 ante may be embodied as sub-clause 5) of Regulation 35 as that regulation provides r the condition of passing an examination in a bjects. It has been revised suitably.

10. The other amendments are in order.

Sd/- M/7

Additional Secretary to Government.

.P.to N.D., No.556Confl. dated the 22nd July 1950.

N.V.D.
22/6
rc.